

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 TYRONE WILLIAMS,

12 Plaintiffs,

13 vs.

14 KING COUNTY, a political subdivision of
15 the State of Washington, CITY OF
16 SEATAC, a municipal corporation;
SEATAC POLICE DEPARTMENT; KING
COUNTY SHERIFF'S DEPARTMENT,
BRIAN BELONGIA and Jane Doe and the
marital community composed thereof,

17 Defendants.

No.

**COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS AND DAMAGES**

JURY DEMANDED

18
19 **I. INTRODUCTION**

20 1.1 This is an action for deprivation of civil rights under 42 USC §1983, arising
21 from individual defendants' July 29, 2014 use of excessive force during the arrest of plaintiff
22 under color of law and with deliberate indifference to the rights of Plaintiff. This action arises

1 out of Federal Law for damages resulting from the unlawful conduct of King County Deputy
 2 Brian Belongia acting as a SeaTac Police Officer and in arresting Plaintiff in a manner that
 3 deprived Plaintiff of his right to be free from the excessive use of force in violation of the
 4 Fourth and Fourteenth Amendments to the United States Constitution.

5 II. JURISDICTION AND VENUE

6 2.1 This Court has personal and subject matter jurisdiction over the Plaintiff's civil
 7 rights claims under Title 42, United States Code, §1983 and Title 28 United States Code,
 8 §1331, 1443.

9 2.2 The acts complained of below occurred in King County, Washington, and
 10 Defendant City of SeaTac is a municipal corporation located in King County, Washington.
 11 Defendant King County is a political subdivision of the State of Washington. The SeaTac
 12 Police Department provides professional law enforcement services for the City of SeaTac.
 13 The King County Sheriff's Department provides professional law enforcement services for
 14 King County Washington. On information and belief, the City of SeaTac contracts with the
 15 King County Sheriff's Department to provide police services within the City of SeaTac. Brian
 16 Belongia is employed within King County and is believed to be a resident of Pierce County.
 17 At all times mentioned below, Plaintiff was and presently is a citizen of the United States of
 the State of Washington.

18 2.3 Venue in this Court is lawful according to Title 28, United States Code, §1391
 19 (b).

20 2.4 Before filing this action, plaintiff timely filed a claim for damages with the City
 21 of SeaTac and King County (separately) on/or about April 18, 2016, pursuant to RCW
 22

1 4.96.020. As required by RCW 4.96.020, more than 60 days has expired since the filing of
2 this claim for damages.

3 **III. JURY DEMAND**

4 3.1 Plaintiff hereby demands a jury pursuant to the Seventh Amendment of the U.S.
5 Constitution and Fed. R. Civ. P. 38.

6
7 **IV. PARTIES**

8 4.1 Plaintiff, Tyrone Williams, is an unmarried man, and is domiciled in the
9 City of Kent, King County, Washington.

10 4.2 Defendant City of SeaTac is a municipal corporation organized under the laws
11 of the State of Washington and is located in King County in the Western District of
12 Washington.

13 4.3 Defendant King County is a political subdivision of the State of Washington
14 located in the Western District of Washington.

15 4.4 Defendant SeaTac Police Department provides professional law enforcement
16 services for the City of SeaTac.

17 4.5 Defendant King County Sheriff's department provides professional law
18 enforcement services for King County Washington and, it is believed, contracts with the City
19 of SeaTac and the SeaTac Police department to provide professional law enforcement services
20 for the City of SeaTac.

21 4.6 Defendant Brian Belongia is a King County Deputy Sheriff acting as a City of
22 SeaTac Police officer and, upon information and belief, a resident of Pierce County,
Washington, which is in the Western District of Washington.

V. STATEMENT OF FACTS

5.1 On July 29, 2014, King County Deputy Sheriffs Belongia and Shoblom, acting as King County Deputy Sheriffs and/or as City of SeaTac Police Officers, responded to a call of a residential burglary in progress at 4261 S 176th St in SeaTac, WA.

5.2 Deputy Shoblom arrived first and took up a position by the front door of this residence.

5.3 Deputy Belongia arrived second and took up a position in the driveway of the Residence, close to the garage door.

5.4 Shortly after the officers arrived, two males exited the residence through the front door.

5.5 One of the males turned right and headed to the back yard of the residence. The other; Plaintiff Williams, exited towards the driveway and S 176th St.

5.6 Plaintiff Williams was observed by both Deputy Shoblom and Deputy Belongia.

5.7 Plaintiff Williams, at all times, was unarmed, posed no danger to the Deputies/Officers and was solely engaged in the act of fleeing.

5.8 Deputy Shoblom drew his taser while Deputy Belongia drew his firearm.

5.9 Plaintiff Williams ran towards the street as both Deputy Shoblom and Deputy Belongia pursued him.

5.10 Deputy Shoblom deployed his taser at Plaintiff Williams and, at the same time, yelled "taser, taser, taser!"

1 5.11 Simultaneously or at approximately the same time as Deputy Shoblom used
2 non-lethal force (to wit, a Taser), Deputy Belongia used lethal force by deploying a single shot
3 from his firearm. This shot entered the body of Mr. Williams.

4 5.12 Prior to firing his weapon, Deputy Belongia did not provide any warning to
5 Plaintiff Williams that he was going to shoot or otherwise warn him of the impending use of
6 lethal force. Deputy Belongia, rather than providing warning to Plaintiff Williams, fired his
7 weapon thereby employing an excessive and unnecessary use of lethal force without warning.

8 5.13 Deputy Belongia, at the time he used lethal force, did not take the time to assess
9 and did not assess the effectiveness of Deputy Shoblom's deployed non-lethal force before
10 electing to use lethal force.

11 5.14 Deputy Belongia shot Mr. Williams in the torso as Mr. Williams was unarmed,
12 was not posing a danger to the deputies and was fleeing the area where the two deputies were
13 located.

14 5.15 Deputy Belongia used lethal force to prevent the escape of a fleeing suspect.

15 5.16 Deputy Belongia's qualification to carry a firearm was out of date at the time he
16 shot Mr. Williams.

17 5.17 As a direct and proximate result of the Defendants' conduct, the Plaintiff was
18 severely injured experiencing significant physical and emotional pain and suffering; that
19 although medical services and care has been provided, said injuries, together with pain,
20 discomfort and limitation of movement, are ongoing and will be ongoing for an indefinite time
21 into the future; that it is impossible at this time to fix the full nature, extent severity and
22 duration of said injuries, but they are alleged to be permanent, progressive and disabling in
nature; that the Plaintiff has incurred and will likely continue to incur medical expenses and

1 other expenses and losses to be provided at the time of trial, all to his general damage, in an
2 amount now unknown however, based on information and belief plaintiff reasonably
3 anticipates damages to exceed \$75,000.00.

4 **VI. FIRST CAUSE OF ACTION**

5 **42 U.S.C. § 1983: Violation of Plaintiff's Right to be Free from Excessive**
6 **Use of Force**

7 6.1 The Plaintiff re-alleges paragraphs 1.1 through 5.17 and by reference
8 incorporates them herein.

9 6.2 Defendants acted under color of law and with deliberate indifference to the
10 rights of Plaintiff.

11 6.3 Defendants' acts deprived Plaintiff of his right to be free from the excessive use
12 of force in violation of the Fourth and Fourteenth Amendments to the United States
13 Constitution.

14 6.4 The Defendants subjected plaintiff to such deprivations by malice and a
15 reckless and conscious disregard of his rights, an award of punitive damages is warranted
16 against each of the Defendants.

17 6.5 As a direct and proximate result of the Defendants' actions plaintiff was forced
18 to endure physical and mental suffering and emotional distress, was deprived of his physical
19 liberty and subjected to excessive force.

20 **VII. SECOND CAUSE OF ACTION**

21 **Negligence re: Hiring, Training and Supervising Deputy Belongia**

22 7.1 The plaintiff re-alleges paragraphs 1.1 through 6.5 and by reference
incorporates them herein.

1 7.2 King County and the City of SeaTac are liable for the damages sustained by the
2 Plaintiff due to its negligence in hiring, training and supervising Deputy Belongia.

3
4 **VIII. THIRD CAUSE OF ACTION**

5 **Civil Rights Violation re: Hiring, Training and Supervising Deputy Belongia**

6 8.1 The plaintiff re-alleges paragraphs 1.1 through 7.2 and by reference
7 incorporates them herein.

8 8.2 King County and the City of SeaTac are liable to Mr. Williams for violating his
9 civil rights to the extent that King County and the City of SeaTac's failure to train, supervise
10 and discipline police officers is a policy, practice or custom of King County and the City of
11 SeaTac.

12 **IX. RESERVATION OF RIGHTS**

13 9.1 Plaintiff reserves the right to add additional parties to this lawsuit as well as
14 make further claims and/or amend claims set forth herein as may be warranted by discovery.

15
16
17
18
19
20 /////
21
22

X. RELIEF REQUESTED

WHEREFORE, Mr. Williams requests judgment against King County, the City of SeaTac and Deputy Belongia for:

1. General and Special Damages, including for pain and suffering, in an amount to be proven at trial;
2. Punitive damages against all Defendants in an amount to be proven at trial;
3. An award of reasonable attorney's fees and costs, as provided in 42 U.S.C. 1988, and other Provisions of statutory and common law;
4. All applicable interest on the judgment; and
5. Other and further relief as the Court deems just and equitable.

DATED this 17 day of July, 2017.

Padula & Associates, L.L.C.



Elizabeth Padula, WSBA#24612
Attorney for Plaintiff
105 14th Avenue, Suite 110
Seattle, WA 98122
PH: 425.883.2883
FAX: 425.869.4006